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On February 25, 1986, Secretary Shultz signed a determination that will permit the obligation of fiscal year (FY) 1986 funds for certain forms of assistance to Haiti. Because of serious repressive actions taken by the Duvalier government in late 1985 and early 1986, the Secretary had been unable to make this determination. The interruption of U.S. aid due to lack of a determination and the period of unrest during the final months of the Duvalier regime have heightened the need for this assistance.

The Secretary determined that the National Council of Government (*Conseil National du Gouvernement*—CNG), which assumed power on February 7 when Duvalier departed, has demonstrated willingness to cooperate on illegal emigration and with development programs. The Haitian Army has provided security for the distribution of foodstuffs from the Agency for International Development (AID), and the Ministers of Health and Education have indicated commitments to objectives shared by AID and other donors.

The most significant changes, however, have occurred in the area of human rights and democracy. The CNG has released all political prisoners, restored radio broadcast freedom, and disbanded the oppressive militia—the Volunteers for National Security. The Council President, Gen. Henri Namphy, has publicly promised that the CNG will move quickly to draft a constitution and law on political parties. He also has pledged to organize legislative and presidential elections and has underscored the CNG's commitment to free labor unions and a free press.

The determination permits the U.S. Government to begin obligating the FY 1986 development assistance, economic support funds, and international military education training funds for Haiti. The FY 1986 operating budget for assistance programs to Haiti projects $22.2 million of development assistance and $2.9 million of economic support funds. An additional $450,000 of military training also is to be provided.

The formal justification on which the determination was based follows.

Justification for Determination To Authorize Continuation of Certain Assistance to Haiti

Section 705(b) of the International Security and Development Cooperation Act of 1985 provides that funds available for FY 1986 to carry out Chapter 1 of Part I, Chapter 4 of Part II, or Chapter 5 of Part II of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti:

(1) Is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) Is cooperating fully in implementing U.S. development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) Is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, free labor unions, and freedom of the press.

Because of serious repressive actions taken by the Duvalier government in late 1985 and early 1986, this determination was not made and U.S. aid to Haiti was interrupted. The change of government in Haiti on February 7 has brought changes in many areas of direct relevance to the determination. This report, therefore, focuses on developments since ex-President Duvalier's departure from Haiti on February 7.

Cooperation in Halting Illegal Migration of Haitians to the United States

Cooperation in key elements of the Haitian migrant interdiction operation with the previous Government of Haiti was satisfactory after the 1981 signature of the bilateral accord. The government permitted the Coast Guard to repatriate to Haiti all migrants interdicted on the high seas and held to its commitment

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under the bilateral agreement not to prosecute those returned. The uniformly economic motivation of migrants interdicted during the time of the former regime was verified through interviews by officers of the Immigration and Naturalization Service at the time vessels were boarded on the high seas. This motivation and the lack of official harassment or persecution were again verified through followup interviews by Embassy personnel of returned migrants 3-6 months after their repatriation to Haiti. As has previously been reported to the Congress, there has not been a single credible claim of either political motivation or harassment after return.

Since the formation of the National Governing Council upon Duvalier's departure on February 7, two groups of illegal migrants totaling 357 persons were returned to Haiti (on February 12 and 16). The government ministries involved (Foreign Affairs and Interior and National Defense) responded promptly and cooperatively to the Embassy's approaches for assistance under the bilateral accord in debarking the migrants from Coast Guard vessels in Port-au-Prince. This substantiates assurances given publicly by the President of the CNG immediately after its assumption of power that the Council would continue to observe all of Haiti's international treaties, conventions, and accords. The two most recent repatriations brought the total number of migrants returned to Haiti since the beginning of the interdiction program to 6,245.

Previously, when migrants were returned to Haiti, they were individually questioned by police officials from the Permanent Commission of Inquiry, and files were created on each. This internal security organization was dissolved shortly before ex-President Duvalier's departure from Haiti. Since the formation of the CNG, returnees have been subject to police questioning designed only to determine the identities of trip organizers.

Since the change of government on February 7, the consul general, consular fraud officer, and chief of the nonimmigrant visa section of the Embassy have held a series of meetings with Haitian immigration officials. These officials have pledged continued cooperation with the Embassy's efforts to limit the use of fraudulent documentation to travel to the United States.

Cooperation in Implementing U.S. Development, Food, and Other Economic Assistance Programs

The Government of Haiti is providing all support requested by the U.S. Government with regard to emergency relief and reconstruction activities. The CNG has named a military liaison to plan security measures for the resumption of the PL-480 Title II school feeding programs. Military guards have been provided for private voluntary organization warehouses in Port-au-Prince and in the provinces. The military has agreed to provide escorts for the food trucks, which began deliveries on February 18, 1986. Provision of these services has been somewhat spotty due to competing demands on the limited number of troops available, but the military is doing everything in its power to cooperate with the AID mission. The Minister of Planning has agreed, in principle, to arrangements for the prompt reconstruction of private voluntary organization warehouses and replacing equipment and materials that were stolen or damaged. The Ministers of Education and Information agreed to broadcast and publish announcements during the first week of school regarding security for the school feeding program. Nonetheless, it may take some time before the administration of PL-480 programs is fully effective.

As for the long-range development assistance program, more time will be needed to ascertain the new government's commitment. In its first weeks in power, the government focused on security and damage assessment. It also must be noted that the economic assistance program has been suspended since October 1985. Only with the resumption of the program will we be able to determine definitively the degree of cooperation.

Nevertheless, the initial indications are positive. The new Minister of Education is committed to educational reform, primary education, and literacy, as indicated by his inaugural speech as minister. Prior to becoming minister, he had been one of Haiti's leading experts in education reform, including the design of a private sector education project. The new Minister of Health has indicated his commitment to the principal disease control programs financed by AID and UNICEF [UN Children's Fund] and has declared that fiscal management will be completely open to scrutiny by donor agencies—which has been a problem with this ministry in the past. While there is some concern about the leadership of the Ministry of Agriculture, we continue to have effective and cooperative relationships with project-level technical counterparts. Moreover, we have made clear that our continued ability to cooperate fully in this area depends upon effective leadership of the ministry. In this regard, the appointment of a respected new Secretary of State for Agriculture gives cause for optimism.

Progress on Human Rights and Toward Democracy

The National Governing Council's most radical break with the Duvalier past has come in the areas of human rights and democracy.

In the CNG's first proclamation, read on national radio and television the morning of February 7, President Namphy underscored the CNG's unalloyed commitment to observe the highest human rights standards. This commitment to observe these standards was restated in the President's February 10 policy speech on the installation of the new Haitian Cabinet. The inclusion of Haitian Human Rights League President Gerard Gourgue in the CNG and as Minister of Justice provides a strong guarantee that the Council will implement its stated intentions in this area.

The CNG moved quickly to clean up Haiti's severely tarnished human rights record. In its first day in office, the CNG released from detention all political prisoners it could find in Haitian prisons. All were informed that they faced no judicial proceedings of any sort. Two Americans of Haitian origin, among those released, were informed that they could leave Haiti or remain. They have chosen to stay and to become politically active.

Other actions of the CNG demonstrated a similar attention to the observance of human rights. When celebrations of Duvalier's departure turned into looting and some violence, the CNG imposed a curfew, but its actions to prevent looting were restrained, marking a significant departure from the previous government's handling of unrest. The CNG moved very quickly to disarm and dissolve the much-despised Volunteers for National Security militia but avoided violence as far as possible and called upon the citizenry to eschew revenge-taking.

In his remarks upon assuming office on February 10, Justice Minister Gerard Gourgue stressed that his ministry's primary mission was to ensure that all

Haitians enjoyed justice impartially and that judicial decisions were respected. Gourgue noted that justice was equivalent to the protection of human rights and committed himself and his ministry to seeing that the judiciary worked without political interference.

The President's February 10 policy speech promised that the CNG would move quickly to draft a liberal constitution and law on political parties and to organize legislative and presidential elections. In its first days, the CNG abolished the Duvalier legislative assembly (which had lost what little public credibility it had enjoyed by voting for President Duvalier's "state of siege" on January 31, 1986) and the 1983 Constitution, which contained the "presidency-for-life" provision and had been widely rejected by most Haitians as undemocratic. The CNG has repeatedly stressed that it is a transitional regime and has particularly underlined the Haitian Armed Forces' lack of political ambition.

There is now a debate in Haiti over the timing of elections. Certain groups argue that a timetable for early elections should be fixed immediately. Other influential figures believe that premature elections would lead to political exploitation and the repetition of Haiti's tradition of one-man rule. These sectors argue that any timetable should allow the Haitian people time first to gain the basic understanding of their civic rights and responsibilities necessary to allow a free and intelligent choice. We have seen no indication in this debate that either side doubts the democratic intentions of the CNG, though much concern has been expressed over the continuing governmental roles of persons prominent in the prior regime.

In recognition of the newly liberalized political atmosphere, those politicians active in opposition to Duvalier in recent years are expanding their activity. Gregoire Eugene and Hubert DeRonceray, two respected Duvalier opponents, have stated their support for the CNG and their intention to organize eventual candidacies for Haiti's presidency. Sylvio Claude, another Duvalier opponent, has called on the CNG to hand over power immediately to those long active as Duvalier opponents so that these individuals can organize elections. Claude's attack on the CNG has so far gathered little popular backing. Neither, in a typical indication of the CNG's open attitude, has met with any retribution of the type Claude frequently suffered under the previous regime for outspokenness.

One of the CNG's first measures was to end all press censorship and to invite the three radio stations Duvalier had closed on January 31 to resume broadcasting (Catholic *Radio Soleil*, Protestant *Radio Lumiere*, Creole *Radio Cacique*). All radio stations have significantly expanded their coverage of domestic developments, while the government-owned radio and television stations, in particular, have been changed at CNG direction from mouthpieces for the ruling group into national stations. The print media, including conservative newspapers that eschewed domestic coverage during the Duvalier years, also has blossomed. The Government of Haiti has temporarily closed the Duvalier mouthpiece *Le Nouveau Monde* to restudy the need for a government newspaper. The CNG's own attitude toward press inquiry was graphically demonstrated by the President's press conference in the palace on February 10, in which he freely mingled with foreign and Haitian reporters and answered questions for nearly an hour. There was no such event during the Duvalier era.

President Namphy's February 10 speech underscored the CNG's commitment to the development of free trade unionism in Haiti. It is clear from the President's statements that he and the Council believe there was little opportunity for unions to develop and protect workers' rights under the Duvalier regime. President Namphy has spoken of the need for education in this area as well as in the area of electoral democracy.

The independent Haitian Federation of Union Workers received a visit from the Inter-American Committee on Human and Trade Union Rights on February 16. The federation has enthusiastically welcomed the interest of the American Institute for Free Labor Development in strengthening free trade unionism and in educating union members to the rights and responsibilities they bear in a free society. A second mission, from the International Council of Free Trade Unions, is scheduled to visit Haiti toward the end of February. ■

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